



#13
4/15/03
PATENT

IN THE UNITED STATES PATENT
AND TRADEMARK OFFICE

Applicants: Spencer et al.

Serial No.: 09/898,396

Filed: July 3, 2001

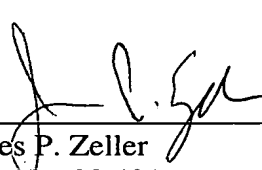
For: ERASABLE INKS, WRITING
INSTRUMENTS, AND METHODS

Group Art Unit: 1755

Examiner: Veronica F. Faison

I hereby certify that this paper is being
deposited with the United States Postal
Service, first class postage prepaid, addressed
to: Assistant Commissioner for Patents,
Washington, D.C. 20231

April 2, 2003


James P. Zeller
Reg. No. 28,491

RECEIVED
APR 14 2003
GROUP 1700

RESPONSE TO OFFICIAL ACTION

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

This paper is in response to the official action dated December 4, 2002. This paper is timely filed, as it is accompanied by a petition for automatic extension of time to file in the first month, and the requisite extension fee.

All pending claims 1-30 have been provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-31, 33-37, and 39-49 of co-pending application Serial No. 09/857,561.

In response, a terminal disclaimer relative to any patent issuing from application Serial No. 09/857,561 is submitted herewith, along with the requisite fee.

In view thereof, it is believed the provisional double patenting rejection is mooted, and that this application is in condition for allowance. An indication of that effect is solicited.

A terminal disclaimer relative to any patent issuing from the present application is being submitted concurrently in application Serial No. 09/857,561.

Should the examiner wish to discuss the foregoing or any matter of form in an effort to advance this application toward allowance, she is urged to telephone the undersigned at the indicated number.

Respectfully submitted,

MARSHALL, GERSTEIN & BORUN

April 2, 2003

By: 

James P. Zeller

Reg. No. 28,491

Attorneys for Applicants

6300 Sears Tower
233 South Wacker Drive
Chicago, Illinois 60606-6357
(312) 474-6300